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An Act To Clarify the Authority of the Department of Health and Human Services To License Residential Parenting Facilities

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA c. 1674 is enacted to read:

CHAPTER 1674

residential parenting facilities

§ 8351. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

- 1. Family.** "Family" means a parent and child during a period before and after the child's birth.
- 2. Life skills.** "Life skills" includes, but is not limited to, employment skills, money management skills, communication skills, community resource skills, decision-making skills, problem-solving skills and skills related to securing housing.
- 3. Residential parenting facility.** "Residential parenting facility" means a residential facility for one or more families in need of supportive and rehabilitative parenting services.
- 4. Supportive and rehabilitative parenting services.** "Supportive and rehabilitative parenting services" means support and rehabilitation services related to the prenatal and postnatal needs of children and their parents, which may include, but are not limited to, nutrition, parenting skills and life skills counseling.

§ 8352. License

Beginning on July 1, 2008, a person or combination of persons may not operate a residential parenting facility in this State without having obtained a license to operate a residential parenting facility from the department. Any residential parenting facility that has been in operation for at least one year prior to July 1, 2008 and has been licensed by the department as a residential child care facility may be permitted to operate a residential parenting facility under that license until the rules required by section 8353 are adopted and the facility has applied for and obtained a new license as a residential parenting facility.

§ 8353. Rules

The department, in consultation with providers of residential parenting facilities, shall adopt routine technical rules in accordance with Title 5, chapter 375, subchapter 2-A for residential parenting facilities. The rules must include, but are not limited to, rules pertaining to the health and safety of parents, children and staff; the quality of programs provided; and licensing procedures.

§ 8354. Fire safety; inspection for residential parenting facilities

1. Inspection required. Except as provided in subsection 2, the department may not issue a license to operate a residential parenting facility pursuant to section 8352 until the department has received from the Commissioner of Public Safety a written statement signed by one of the officials designated under Title 25, section 2392 to make fire safety inspections indicating that the residential parenting facility has complied with the applicable fire safety requirements of the Life Safety Code of the National Fire Protection Association adopted by the Commissioner of Public Safety under section 8103.

2. Temporary license. The department may issue a temporary license to operate a residential parenting facility without complying with the requirement to receive a written, signed statement under subsection 1 prior to issuing the license pursuant to section 8352 as long as a preliminary evaluation for the residential parenting facility reveals no obvious fire safety violations.

3. Fees. The department shall establish and pay reasonable fees to the Commissioner of Public Safety for each inspection required pursuant to subsection 1.

§ 8355. Prohibited employment

1. Criminal history record information. A residential parenting facility shall obtain criminal history information for applicants for positions as unlicensed personnel and may not hire an individual who:

A. Has worked as a certified nursing assistant and has been the subject of a notation by the state survey agency for a substantiated complaint of abuse, neglect or misappropriation of property in a health care setting that was entered on the Maine Registry of Certified Nursing Assistants;

B. Has been convicted in a court of law of a crime involving abuse, neglect or misappropriation of property in a residential or health care setting; or

C. Has a criminal conviction within the last 10 years of:

(1) A crime for which incarceration of 3 years or more may be imposed under the laws of the state in which the conviction occurred; or

(2) A crime for which incarceration of less than 3 years may be imposed under the laws of the state in which the conviction occurred involving sexual misconduct or involving abuse, neglect or exploitation in a setting other than a health care setting.

SUMMARY

This bill authorizes the Department of Health and Human Services to license residential parenting facilities for families in need of supportive and rehabilitative parenting services. The services relate to prenatal and postnatal needs of children and their parents, including nutrition, parenting skills and life skills counseling.